

Winter 2006



Kansas Environmental News

Secretary's Corner

The Kansas Department of Health and Environment (KDHE) was commended this month by the Environmental Protection Agency (EPA) regarding the state's water quality standards. EPA has approved nearly all of the provisions of the new and revised state standards submitted to EPA by the state. The provisions are effective for implementation under the Clean Water Act. States are required to review their water quality standards no less than every three years and submit the standards to EPA. We are pleased with this progress and EPA's determination regarding our submissions. Staff has worked hard to ensure Kansas is protecting the state's water resources. Great job!

KDHE staff performed superbly during a recent successful Wolf Creek Nuclear Power Plant drill where the Federal Emergency Management Agency (FEMA) graded the state's readiness to respond to a potential disaster at the facility. The plant is just over an hour away from Topeka in Burlington. It produces more than 1,200,000 kilowatts of electricity (enough for 800,000 homes). Every year the emergency plans are reviewed and exercised. Staff from KDHE and

other state agencies respond to various scenarios including radiological releases and the need for evacuations of properties near the plant. The drill went extremely well and FEMA complimented the state for its planning and preparedness efforts.

At KDHE, we spend a significant amount of our time focusing on the things we need to be doing everyday to keep our environment safe and the public healthy. We also spend time focusing on how to prevent disasters that could prevent those goals from being reached. One issue of considerable concern that could impact our state significantly is pandemic flu (worldwide outbreak of a new/rare strain of flu).

Some estimates indicate as many as one in four Kansans will be sick in a pandemic. With as many as 25 percent of the people in our communities affected, we would see a tremendous change in our daily lives if a pandemic would strike. Grocery store deliveries would slow as the number of delivery drivers is reduced and prescription drug availability could be limited while manufacturing plants struggle to keep up with the needs due to an unavailable workforce. Other services we count on such as small family businesses (daycares, veterinary clinics) might have to close while the workers are trying to recover. Impacts on police, fire and ambulance staff would quickly be noticed, and difficult decisions regarding who to serve and how to

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serve them would become extremely challenging.

It's important to begin planning now by making preparations that will reduce the impact of a pandemic and will also prepare us for other challenges such as power outages from tornadoes and ice storms. We should be sure we have enough of the essentials on hand in our homes (and cars) to make it on our own for several weeks: prescription medications, bottled water, canned foods (including canned baby foods, pet foods, etc.), flashlights, batteries, emergency radios and blankets. Basically, think of anything you couldn't live without during a disaster, which might last for more than a few days. For more details on being prepared, go to <http://www.ready.gov/america/index.html>.

Watch for more of KDHE's new recycling campaign called "Get Caught Recycling." Public

service announcements will be airing in January featuring well-known Kansans who are encouraging us all to make a difference by recycling. To do your part, learn where the recycling bins are located throughout your community. Anything we can do to preserve our environment by reducing waste, reusing items and recycling can make a big difference. Let's start the New Year off right!

Be well,

Roderick L. Bremby
KDHE Secretary

Compliance Advisory Panel Offers Assistance to Small Businesses by Cathy Colglazier, KDHE Public Advocate

Are you a small business that has questions or concerns regarding environmental regulations or other environmental issues? That's what the KDHE Public Advocate is for! Feel free to call Cathy Colglazier at (800) 357-6087 with your questions or concerns.

Another resource for you to contact when you have concerns on how environmental regulations affect your small business is the Compliance Advisory Panel (CAP). The CAP is one of three components of the Small Business Environmental Assistance Program, which is required by Section 507 of the Clean Air Act. The other two components are the ombudsman (a.k.a. Public Advocate) and the technical assistance program (K-State's Small Business Environmental Assistance Program).

The CAP is a seven-member panel appointed by the Governor, the Majority and Minority Leaders of the Kansas House of Representatives and the Kansas Senate, and the Secretary of KDHE. The CAP's primary focus is air regulations, however, the panel can also address waste/hazardous waste, remediation, and water issues that affect small businesses.

The CAP meets about two or three times each year. Their duties include providing oversight for the program, reviewing information for small businesses to assure the information is understandable by the layperson, and reviewing and commenting on proposed regulations potentially affecting small businesses.

If you have a concern you'd like to discuss with a CAP member, feel free to give one of them a call. Members are:

Vick Cooper	Kansas Department of Health and Environment	785-296-1561
Gary Mason, Chair	iSi	316-264-7050
Ralph Gutierrez, Jr.	Cabinetry & Millworks Concepts	785-232-1234
Vern Silvers	Vern Silvers Associates	785-827-4885
Scott Shmalberg	Scotch Industries	785-843-0639
Fred Sanders		785-267-1768
Tom Murphy	Lane Myers, Inc.	620-622-4310

KDHE Regulations in Process

The following table shows the KDHE regulations that are being developed, amended or revoked. If you have questions about the regulations, feel free to contact Cathy Colglazier at 800-357-6087.

Regulation	Division Draft ¹	External Review ²	Public Hearing	Effective ³
<u>Waste Management</u>				
Definitions (A)	1/05	*11/05	*1/06	*3/06
Tires (A)	9/04	*11/05	*1/06	*3/06
Industrial Landfills (N)	*1/06	*4/06	*6/06	*8/06
Hazardous Waste Update (A)	*6/06	*8/06	*10/06	*12/06
<u>Air and Radiation</u>				
Radiation Registration Licensing, Safety Standards and Requirements (N) (A) (R)	9/03	7/05	9/05	*12/05
Definitions and Permitting Rules (A)	*1/06	*4/06	*5/06	*6/06
Transportation Conformity (N)	*2/06	*5/06	*6/06	*7/06
Acid Rain Nox and Permits (A) (N)	*2/06	*5/06	*6/06	*7/06
<u>Water</u>				
<u>Geology</u>				
<u>Livestock Waste Management</u>				
Groundwater (N) (A) (R)	12/03	11/04	3/05	*4/06
<u>Environmental Field Services</u>				
Surface WQS/Register (A)	1/05	1/05	4/05	*5/06
<u>Environmental Remediation</u>				
Environmental Use Control (N)	6/04	*10/05	*2/06	*6/06
Surface Mining (A)	9/03	*2/06	*6/06	*9/06
¹ The Division Draft date is the date the regulations are sent to External Review. ² External Review includes reviews by EPA (if applicable), Department of Administration, & Attorney General ³ Effective Date is the date the regulations become effective.				
New (N), Amended (A), Revoked (R) * Denotes projected date.				
Updated 12/12/05				

Summary of Listening Session by KDHE and EPA

by Dick Sumpter, US EPA Region 7

A Listening Session jointly sponsored by EPA Region 7 and the Kansas Department of Health and Environment (KDHE) was held on the afternoon of August 25, 2005, following the conclusion of KDHE's annual Environmental Conference.



One hundred people attended the public session to discuss the state of the Kansas environment and issues of general concern. One goal of the session was to promote joint planning and priority setting between state and federal entities. It was an opportunity for Kansans to impact EPA's upcoming national and regional strategic plans.

Ron Hammerschmidt, Director of KDHE's Division of Environment, opened the session with a presentation highlighting some of the successes and challenges for the Kansas environment. EPA Region 7 Administrator **Jim Gulliford** then gave a similar presentation from the federal perspective. *(The presentations can be viewed on the Environmental Conference Web site at www.kdheks.gov/sbcs/environment_conf.html)*

After the presentations, the group was asked to select a topic dealing with water, air, or land and waste issues, and to participate in a discussion about the major problems in each area. These break-out sessions were facilitated by staff from EPA and KDHE. After about an hour of discussion, all the groups reconvened to report their findings. A brief summary of each break out group follows.

Water Issues

- **Water quantity** was immediately identified as a concern, with two opposing issues: One related to recharging aquifers and other groundwater sources; flooding/flood control was at the other extreme.
- **Water quality** was also discussed with regard to point sources of pollution. One of the major concerns was communities without sewers and their aging infrastructure. The absence of viable funding sources was a concern, particularly for the smaller rural communities.
- **Nonpoint source pollution** was also discussed, covering excessive nutrients from fertilizer runoff, bacteria and sedimentation.

Other issues included:

- The need for greater public awareness of environmental policies.
- Reporting environmental results in terms understandable by the general public.
- Long-term sustainability of water supplies, particularly with respect to water usage for irrigation.

Air Issues

- A **permitting** issue raised was that burdensome requirements of new source review are a disincentive to facilities willing to invest in additional and more modern pollution controls. Early joint meetings involving both EPA and KDHE are beneficial in the permitting process. One participant wanted to know if air permit modifications could be structured like those in Resource Conservation & Recovery Act (RCRA) permits. Another participant requested that the minor permit modification process be simplified. It was noted that EPA headquarters needs to speed up and coordinate its responses with the regional offices.
- In the area of **interpreting guidance**, participants expressed a need for compliance assistance in the form of outreach and training for new requirements. New Maximum Achievable Control Technology (MACT) standards are clearer; EPA now needs to clarify the older standards. Examples on EPA's Web site are helpful.
- KDHE should continue its **on-line reporting** efforts. Participants believed that the Tier II reports work well, and that it will be helpful when permits are available online, especially minor modifications. This would allow KDHE and EPA to respond more quickly to the most critical information.
- In the area of **contingency plans**, some participants expressed concern about the lack of integration of plan requirements, while others did not see it as a concern. Participants expressed the need for regulations to allow facilities to develop contingency plans that make sense for their facilities.
- **Asbestos** was also discussed. One participant wanted to know the status of the 10 recommendations by the EPA Review Panel. He was concerned that EPA appears to be moving ahead without coordinating its

Listening Session (cont'd)

implementation activities with outside partners, and wanted to make sure that this coordination takes place.

- **Delisting** hazardous waste actions is difficult and processes are time-consuming and often unclear, one participant noted. Differences also exist between state and federal regulations.

Land and Waste Issues

Numerous issues were raised in this session. The group voted these to the top of the list:

- **Long-term sustainability**, not just from a land/waste perspective, but more generally in regard to the whole range of behaviors involving our natural resources. The specific issue of urban sprawl consuming farmland was raised.
- **E-Waste** was also seen as a growing problem. It was identified by Ron Hammerschmidt in his presentation, and it resonated with several members of the group. The number of computers, televisions, telephones, and other types of electronic equipment that become obsolete and require disposal is alarming.

The 2006 Pollution Prevention Award application will soon be available at http://www.kdheks.gov/sbcs/p2_pollution_prevention_awards.html. KDHE



presents the annual awards to individuals, communities or

community groups, businesses and industries who have made a significant impact in protecting our environment by preventing pollution.

Applications will be accepted for the following award categories: Pollution Prevention; Energy Efficiency; Technology Innovation; Environmental Management System; Recycling; and Education and Outreach

Don't miss this opportunity to obtain recognition for all of your hard work! Applications are due Friday, June 16, 2006. Contact Cathy Colglazier at 800-357-6087 if you have any questions on the awards program.

- **Budget concerns** were on the minds of most participants. All recognized that these growing problems and the shrinking allocation of resources are major concerns.

Other issues included:

- Bovine Spongiform Encephalopathy (Mad Cow Disease) waste disposal was discussed. Several members of the meat processing industry were present and raised the issue from that viewpoint.
- Concerns about hazardous materials in schools was also raised. However, KDHE pointed out that there is a vigorous program in this area, particularly as it relates to high school chemistry labs.
- One individual was concerned about cleanups around abandoned railroad rights-of-way.
- Others were interested in clean-up standards, especially relating to perchlorate and trichloroethylene (TCE).
- The final concern related to the heavy use of urban fertilizers, pesticides and herbicides.

Conclusion

The session adjourned with Ron Hammerschmidt and Jim Gulliford committed to providing a session summary on the KDHE and EPA Web sites.

Are you a small business that has questions regarding compliance with environmental regulations or permits? Don't hesitate to call Kansas State University's Small Business Environmental Assistance Program for free, confidential, technical assistance! Simply call (800) 578-8898.



Environmental Management Systems (EMS) Workshops

The Kansas Small Business Environmental Assistance Program will be offering free EMS workshops in April 2006. Plan now to attend the workshop closest to you and learn how to help your company develop an EMS to improve its environmental compliance and streamline environmental management.

April 4, Salina, Carver Center

April 11, Wichita, Sedgwick County Extension

April 25, Overland Park, KU Edwards Campus



Learn more about this event at www.sbeap.org or by calling 800-578-8898.

Kansas Backup Operator Program

by Vickie Wessel, KDHE Bureau of Water

Thanks to one-time grant funding from EPA, KDHE can now offer small water systems financial assistance to train and certify backup operators to maintain their water systems. To help small systems obtain the services of a second certified operator, KDHE has introduced a new program that pays for the initial training and testing expenses of a back-up public water supply system operator. The Kansas Backup Operator Program (KBOP) provides assistance in the range from \$250 - \$1,200 per operator.

Having trained individuals to operate and maintain public water supplies is the goal of the Kansas Department of Health and Environment (KDHE) operator certification program. The certification program was established in law by the Kansas Legislature in 1975 (KSA 65-4501 through 65-4517) and requires all permitted public water supply systems to be under the supervision of an operator certified by KDHE. Larger systems usually have several operators who are certified and capable of running their systems. Most of Kansas' smaller systems are also in compliance with the law by operating under the supervision of a KDHE certified operator. Smaller systems, however, often can only afford to have a single individual who is certified. If that individual is sick, on vacation, retires, or quits, the system is left without a trained, certified operator to seamlessly take over operation of the system.

Due to the efforts of the Bureau of Water Operator Training and Certification staff, the program has enjoyed initial success. To date, 220 of those systems have indicated interest in the KBOP program. Since KBOP started in June 2005, 77 backup operators have been enrolled in the program and have or are receiving training. That number will increase as additional systems identify individuals as backup operators.

KBOP provides a unique opportunity for KDHE to assist small systems on tight budgets. It can help small systems afford to have a backup certified operator. A second operator will allow systems to provide a higher level of service to customers, and can provide peace of mind that someone with adequate skills and knowledge is protecting the public health when the primary operator is not available.

For more information, contact Vickie Wessel at 785-296-2976 or vwessel@kdhe.state.ks.us.

Pittsburg Develops Smelter Property into Town Center

by Frank Arnwine, Bureau of Environmental Remediation

The Pittsburg Town Center redevelopment project in Pittsburg, KS is funded through Tax Increment Financing (TIF) by Pittsburg to revitalize a brownfields area in one of the city's key commercial districts. A proposal which included Home Depot as the anchor store with space for several other retail establishments was selected for redevelopment of the property. An environmental assessment was conducted to research the past uses of the property. The results of the assessment identified an adjacent former zinc smelter facility with associated lead and cadmium impacts to soil on the brownfields property.

Given this information, developer DJ Christie, Inc. entered the brownfields property into the Voluntary Cleanup and Property Redevelopment Program (VCPRP) to address contamination at the property. An investigation confirmed lead and cadmium contamination. The volume of contaminated material and potential remediation cost jeopardized the entire redevelopment project. Working together, KDHE, the city of Pittsburg, and DJ Christie, Inc. developed a remedy which provided a positive outcome for all parties. The chosen remedy called for encapsulation of the approximately 30,000 cubic yards of smelter waste material beneath the city street with an Environmental Use Control (EUC) for the encapsulated area. This approach alleviated environmental liability and exposure concerns, avoided costly offsite disposal or onsite treatment, and allowed redevelopment of the North Broadway property to continue.



The time needed to encapsulate the waste material threatened to delay construction. The cooperation between KDHE and Home Depot allowed construction to begin without waiting. Because the Home Depot lot, a smaller unit within the larger redeveloped property, was not impacted by contamination, KDHE was able to issue a separate 'No Further Action' determination for the Home Depot lot in August 2004. This determination allowed construction of the Home Depot building and parking lot to begin, while encapsulation of the smelter waste material under the street was being completed in December 2004. Construction of the remaining lots began soon after the smelter waste material was removed. Redevelopment activities at Pittsburg Town Center have revitalized the North Broadway district of Pittsburg.

KDHE Requests Assistance in Planning Environmental Conference Agenda

The 2006 Kansas Environmental Conference will be held August 22 – 24 at the Capitol Plaza Hotel/Maner Conference Center in Topeka. KDHE is requesting your input for developing the agenda for the conference. A planning meeting will be held in Topeka in February 2006. If you would like to submit ideas for session topics for the agenda or participate in the planning meeting, please contact Cathy Colglazier at 800-357-6087 or ccolglaz@kdhe.state.ks.us.

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2006 Kansas Environmental Conference

August 22 - 24, 2006
Capitol Plaza Hotel/Maner Conference Center
Topeka, Kansas

If you have session ideas or suggestions,
contact Cathy Colglazier at 800-357-6087 or
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